

**Service of Process
Transmittal**

01/12/2021

CT Log Number 538873640

TO: David Hawkins
Helena Chemical Company
225 SCHILLING BLVD STE 300
COLLIERVILLE, TN 38017-7177

RE: Process Served in Missouri

FOR: Helena Agri-Enterprises, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ARTHUR WESTHUES, Pltf. vs. HELENA AGRI-ENTERPRISES LLC, Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 20BUCV04302

NATURE OF ACTION: Employee Litigation - Wrongful Termination

ON WHOM PROCESS WAS SERVED: C T Corporation System, Clayton, MO

DATE AND HOUR OF SERVICE: By Priority Mail on 01/12/2021 postmarked: "Not Post Marked"

JURISDICTION SERVED : Missouri

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780116852973
Image SOP
Email Notification, David Hawkins hawkinsd@helenaagri.com
Email Notification, Joan Murphy murphyj@helenaagri.com
Email Notification, Patrice Bohannon bohannonp@helenaagri.com
Email Notification, Gena Acklin ackling@helenaagri.com

REGISTERED AGENT ADDRESS: C T Corporation System
120 South Central Avenue
Clayton, MO 63105
866-331-2303
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



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PRIORITY MAIL 2-DAY™

DANA VAUGHN
EMPLOYEE RIGHTS LAW FIRM
1600 GENESSEE ST STE 842
KANSAS CITY MO 64102-1005

Expected Delivery Date: 12/03/20

0006

C020

SHIP
TO:

CT CORPORATION SYSTEM
120 S CENTRAL AVE
CLAYTON MO 63105-1705

USPS TRACKING #



9405 5036 9930 0145 4888 47

Electronic Rate Approved #038555749

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X




IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: DANIEL F KELLOGG	Case Number: 20BU-CV04302
Plaintiff/Petitioner: ARTHUR WESTHUES	Plaintiffs/Petitioner's Attorney/Address MARK ALLEN JESS EMPLOYEE RIGHTS LAW FIRM 1600 GENESSEE, SUITE 842 KANSAS CITY, MO 64102-5639
Defendant/Respondent: HELENA AGRI-ENTERPRISES LLC	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501 STATUS REVIEW HEARING DATE: 2-22-21 @ 8:30AM, DIV 4
Nature of Suit: CC Employmnt Discrmntn 213.111	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: HELENA AGRI-ENTERPRISES LLC	
Alias:	Alias:
4620 SE HIGHWAY 169 ST. JOSEPH, MO 64507	SERVE R/A: CT CORPORATION SYSTEM 120 S CENTRAL CLAYTON, MO 63105
COURT SEAL OF  BUCHANAN COUNTY	You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.
<u>Monday, November 23, 2020</u> Date	<u>/s/K. DOBOSZ, Deputy Clerk</u> Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. JOSEPH), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.




IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: DANIEL F KELLOGG	Case Number: 20BU-CV04302
Plaintiff/Petitioner: ARTHUR WESTHUES	Plaintiff's/Petitioner's Attorney/Address MARK ALLEN JESS EMPLOYEE RIGHTS LAW FIRM 1600 GENESSEE, SUITE 842 KANSAS CITY, MO 64102-5639
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Date

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Sheriff's Fees, if applicable

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Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

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Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

ARTHUR WESTHUES,

Plaintiff,

v.

HELENA AGRI-ENTERPRISES, LLC

SERVE REGISTERED AGENT
CT CORPORATION SYSTEM
120 S Central Ave.,
Clayton, Missouri, 63105,*Defendant.*

Case No.: _____

Div.: _____

DEMAND FOR JURY TRIAL**PETITION**

Plaintiff Arthur Westhues for his claims and causes of action against Defendant Helena Agri-Enterprises, LLC, states and alleges the following:

Facts Common to All Counts

1. This case arises under the Missouri Human Rights Act, RSMo. §213.010, *et seq.* ("MHRA").
2. Westhues is a resident of Clay County, Missouri.
3. Defendant Helena Agri-Enterprises, LLC, employed 6 employees in the State of Missouri such that it is an "employer" under RSMo. §213.010(7).
4. As the acts of discrimination took place in Buchanan County, Missouri venue is proper in this Court under the MHRA.
5. Westhues filed a charge of discrimination with the Missouri Commission on Human Right within 180 days of the acts complained of and filed this Petition within 90 days

after the date the Right to Sue letter was written. This action is timely and Westhues has exhausted all administrative prerequisites to filing this action. A copy of his Right to Sue letter is attached as Exhibit A.

6. Westhues started working for Helena Agri-Enterprises, LLC on November 22, 2013 until his involuntary termination on July 31, 2019. He was employed as a Precision Ag Technician.

7. Westhues was 64 years old at the time of his involuntary termination.

8. Westhues was meeting all legitimate expectations of his position at the time of his termination.

9. Westhues was told his position was being eliminated. Upon information and belief a new hire to the Defendant in his twenties is performing Westhues' previous duties.

10. The action taken against Westhues was based on discriminatory motives. Because of this discriminatory treatment, Westhues has suffered economic damages.

COUNT I

AGE DISCRIMINATION IN VIOLATION OF THE MHRA

11. Plaintiff repeats, realleges and incorporates by reference each and every allegation contained the above paragraphs.

12. The Missouri Human Rights Act makes it clear that age discrimination is not to be tolerated under Missouri Law.

13. Helena Agri-Enterprises LLC subjected Westhues to age discrimination by terminating his employment in which age was a factor such that said termination

was unlawful.

14. As a direct and proximate result of Defendant's conduct, Westhues has sustained and will continue in the future to sustain damages in the form of lost income, emotional pain, suffering, mental anguish, inconvenience and loss of enjoyment of life.
15. As equitable relief, Westhues requests reinstatement or full payment of all lost wages and benefits in lieu thereof.

WHEREFORE, Westhues prays for an award against Defendant on Count I of his petition; for an award of compensatory damages; for an award of his attorneys' fees and costs; and for other and further relief the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Westhues demands a jury trial on all triable issues herein.

Respectfully Submitted,

EMPLOYEE RIGHTS LAW FIRM
Law Offices of Mark A. Jess, LLC

/s/ Mark A. Jess

Mark A. Jess MO No. 37946

Christie Jess MO No. 44919

Kelly Rosine Ruark MO No. 48119

Kansas City Livestock Exchange Building

1600 Genessee, Suite 842

Kansas City, MO 64102-5639

Ph: 816.474.4600

Fx: 816.474544.4601

mark.jess@employeeightslawfirm.com

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Kelly.ruark@employeeightslawfirm.com

ATTORNEYS FOR THE PLAINTIFF

20BU-CV04302



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

MARTHA STAGGS
COMMISSION CHAIRPERSON

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

Arthur Westhues
1422 Dexter Street
Liberty, MO 64068
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: Arthur Westhues vs. HELENA AGRI-ENTERPRISES, LLC
E-01/20-51808 28E-2020-00391C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.
Executive Director

September 9, 2020
Date

C: additional contacts listed on next page



3315 W. TRUMAN BLVD.
P.O. Box 1129
JEFFERSON CITY, MO 65102-1129
PHONE: 573-751-3325

111 N. 7TH STREET, SUITE 903
ST. LOUIS, MO 63101-2100
PHONE: 314-340-7590
FAX: 314-340-7238

P.O. Box 1300
OZARK, MO 65721-1300

1410 GENESSEE, SUITE 260
KANSAS CITY, MO 64102
FAX: 816-869-3582

106 ARTHUR STREET
SUITE D
SKESTON, MO 63801-5454
FAX: 573-472-6321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.
TDD/TTY: 1-800-735-2986 (TDD) Relay Missouri: 711
www.labor.mo.gov/mohumannrights E-Mail: mchr@labor.mo.gov

RE: Arthur Westhues vs. HELENA AGRI-ENTERPRISES, LLC
E-01/20-51808 28E-2020-00391C

HELENA AGRI-ENTERPRISES, LLC
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Collierville, TN 38017
Via Respondent Contact Email

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